

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TAKINA JENKINS-NAUDAIN,

Plaintiff(s),

V.

ABM INDUSTRIES INCORPORATION, et al.,

Defendant(s).

Case No. 2:22-cv-01826-CDS-NJK

Order

[Docket No. 29]

Pending before the Court is Defendants' motion to compel arbitration. Docket No. 29. Defendants filed a reply. Docket No. 32.

A stay pending resolution of a motion to compel arbitration is warranted when it is potentially dispositive of the action, it can be decided without discovery, and there is a reasonable possibility or probability that the district judge will compel arbitration. *Arik v. Meyers*, 2020 WL 515843, at *1-2 (D. Nev. Jan. 31, 2020) (citing *Shaughnessy v. Credit Acceptance Corp. of Nev.*, 2007 WL 9728688, at *2-3 (D. Nev. Nov. 28, 2007)). Courts frequently stay discovery pending resolution of a motion to compel arbitration. *See, e.g., Mahamedi IP Law, LLP v. Paradice & Li, LLP*, 2017 WL 2727874, at *1 (N.D. Cal. Feb. 14, 2017) (collecting cases). The circumstances here justify such a stay.²

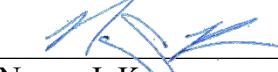
¹ Plaintiff devotes part of her brief to argue that the Court erred in noting earlier that the parties violated the deadline to file a discovery plan. *See Docket No. 31 at 2.* Plaintiff is wrong. A discovery plan is due within 44 days of the defendant's first appearance. Local Rule 26-1(a). Whether CM/ECF automatically generated some other date in an electronic notice is irrelevant; such a notice is not an "order" of the Court and is of no legal consequence. Local Rule IC 3-1(d) (making plain that the local rules trump a courtesy notice issued by CM/ECF as to the computation of deadlines).

² Conducting the preliminary peek can put a magistrate judge in an awkward position and is not intended to prejudice the outcome of the underlying motion. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011). As such, the Court will not provide a lengthy discussion of the merits of the motion to compel arbitration.

1 Accordingly, the motion to stay discovery is **GRANTED**. In the event the motion to
2 compel arbitration is denied, the parties must file a proposed discovery plan or joint status report
3 within 14 days of the issuance of the order resolving that motion.

4 IT IS SO ORDERED.

5 Dated: March 27, 2023

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7 Nancy J. Koppe
8 United States Magistrate Judge

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